

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

KAREN D. DAVIS,

Debtor,

(Bankr. Case No. 06–43888)

CASE NO. 06-CV-13745
HON. LAWRENCE P. ZATKOFF

OPINION AND ORDER

AT A SESSION of said Court, held in the
United States Courthouse, in the City of Port Huron,
State of Michigan, on February 28, 2007

PRESENT: THE HONORABLE LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

I. INTRODUCTION

This matter is before the Court on Debtor Karen D. Davis' ("Debtor") Motion for Reconsideration of the Court's Opinion and Order Denying Leave to Appeal (Docket #4). For the reasons that follow, Debtor's Motion for Reconsideration is DENIED.

II. STANDARD OF REVIEW

A motion for reconsideration is governed by E.D. MICH. LR 7.1(g)(3), which states, "the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication."

III. ANALYSIS

The Court finds that Plaintiff's Motion for Reconsideration presents the same issues that were addressed by the Court in its November 15, 2006 Opinion and Order. Debtor reiterates that the issue presented (*i.e.*, whether "applicable commitment period" is a temporal requirement or a

multiplicand in a formula) is one that involves a controlling question of law as to which there is a substantial ground for difference of opinion. In researching how courts have interpreted the issue at hand, however, the Court has found that the overwhelming majority (10 out of 11 bankruptcy courts other than the one which decided this matter) have ruled that “applicable commitment period” is a temporal requirement. This is the same conclusion the bankruptcy court reached in this case. As such, the Court does not believe there is much ground for difference of opinion at this time. Moreover, this Court’s decision will not be binding on bankruptcy courts in any jurisdiction other than the Eastern District of Michigan. As such, Plaintiff’s Motion for Reconsideration is denied.

IV. CONCLUSION

Accordingly, and for the reasons stated above, Debtor’s Motion for Reconsideration is DENIED.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: February 28, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on February 28, 2007.

s/Marie E. Verlinde
Case Manager
(810) 984-3290